



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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September 17, 2020

By ECF

Honorable Frederic Block
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Gimadiev v. Azar*, Civil Action No. 20-cv-4248 (Block, J.) (Mann, M.J.)

Dear Judge Block:

In advance of Friday's telephonic oral argument, the Government respectfully informs the Court of a development in the above-referenced matter.

On Monday, the Government filed its opposition to Plaintiff's motion for a temporary restraining order. *See* Dkt. Nos. 8, 9. As part of its opposition, the Government relied on a declaration from Dr. Emily Pieracci of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. *See* Dkt. No. 9. In Dr. Pieracci's declaration, she stated, *inter alia*, that, "[u]pon information and belief and based on [the JFK Aeroflot Cargo Manager's] representations, the exporters of record for the 9 declared dogs would be willing to accept these dogs if returned to Russia. While not confirmed by CDC, there is no reason to suspect that the same exporter would be unwilling to accept the 2 additional undeclared dogs concealed in Mr. Gimadiev's carry-on baggage." Dkt. No. 9, Pieracci Decl. ¶ 32.

This morning, CDC was forwarded an email from Aeroflot's Cargo Manager. *See* Email, annexed hereto. The email confirmed that 4 individuals (Elena Kurakova, Anna Schmidt, Svetlana Emelynova and Elizaveta Klisova) were requesting the return of 6 of the 11 dogs to Russia. Three of these individuals (Elena Kurakova, Anna Schmidt, and Svetlana Emelynova) were listed as "exporters" on the Certificate of Veterinary Inspection. The fourth individual (Elizaveta Klisova) was not listed as an exporter but CDC has corresponded with this individual in Russia in the past regarding CDC's requirements for importing dogs into the United States. The six dogs are Umnitsa Razumnitsa (Yorkshire Terrier), Uti-Puti Knopochka (Yorkshire Terrier), Everything's Evil nevskih Ostrovov (Dalmatian), Excentric Gold Abigail (Golden Retriever), Dazzling Shine Olympia (Yorkshire Terrier), and Dazzling Shine Oceanic Larimar (Yorkshire Terrier). The last two dogs (both Yorkshire Terriers) are the two dogs that had been undeclared and concealed in Plaintiff's carry-on baggage. Further, the breeders "ask" that the dogs be returned "back to Moscow on the next flight." *See id.*

As indicated in the Dr. Pieracci's declaration, based on conversations between CDC and the JFK Aeroflot Cargo Manager, CDC believes that the dog breeders for the remaining five declared dogs—Furzhe Angel Ice (Doberman), Ataka Rajana Aura Victory (Doberman), Zveroboy (Doberman), Wonderful Baby Bailey's Mint (Yorkshire Terrier), and Wonderful Baby Blue Diamond (Yorkshire Terrier)—would be willing to accept responsibility for these dogs upon returning them to Russia.

Accordingly, given today's development, and for the reasons set forth in the Government's opposition to Plaintiff's motion, the Court should deny Plaintiff's motion for a temporary restraining order.

Respectfully submitted,

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Encl.